

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

U.S. BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI
FILED

2006 MAY 11 PM 12:48

CHARLENE J. KENNEDY
CLERK

 DEPUTY

GENERAL ORDER REGARDING ELECTRONIC FILING

Pursuant to Order Amending Uniform Local Rules entered December 30, 2004, specifically Local Rule 5005-1, the Court authorized electronic filing. The Court provided that electronic filing of all bankruptcy petitions and documents related to those petitions, except proofs of claim and sealed documents, were authorized and strongly encouraged by the Courts. The Court has determined that,

Electronic Filing. On authority of Rule 5005(a)(2) of the Federal Rules of Bankruptcy Procedure, all petitions, lists, schedules, statements, proofs of claim or interest, complaints, motions, applications, objections and other papers, except sealed documents, that are to be filed of record on the docket of the Clerk of Court in any case or proceeding shall, as of October 1, 2006, and thereafter be filed by electronic means, either at the location of the Clerk's office designated by Local Rule by using equipment and electronic filing software provided by Clerk, or from a remote location.

(A) Papers to be filed at the location of the Clerk's office shall be filed within the office hours of the Clerk's office. Office hours are prominently posted at each office location of the Clerk's office and on the court's web site. Office hours can also be obtained by calling the Clerk's office.

(B) Papers filed from a remote location may be filed at any time.

Emergency Exceptions to Filing Papers Electronically. The requirement that all papers, except sealed documents, be filed electronically shall be suspended only if there is a technical

failure of the Court's system which renders it inaccessible to an electronic filer. Problems in the participant's office, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will neither constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file papers electronically due to a problem in the participant's office must file the papers conventionally or contact the Clerk's office to arrange an alternative method of filing the papers.

If there is a deadline pending for filing of papers, arrangements shall be made during office hours for a non-electronic filing. In the event the Electronic Case Filing (ECF) system is inaccessible due to technical difficulties after the close of business hours, and there is an extraordinary emergency situation requiring a petition, complaint or other papers be filed prior to the Clerk's office reopening, the Clerk shall have a procedure in place whereby a member of the Clerk's staff may be contacted to make arrangements to accept the non-electronic filing. The Clerk shall make known the procedure to be followed by posting the procedure on the Court's web site, through use of the Court's automated attendant telephone answering system, and by any other means the Clerk may deem appropriate.

Occasionally, the Court's Electronic Case Filing (ECF) system will be inaccessible due to required maintenance of the system. All known outages of this nature will be posted well in advance of the outage on the Court's web site at www.mssb.uscourts.gov and on the Electronic Case Filing system *Welcome Page* for the Southern District of Mississippi. To the extent possible, maintenance of the system will be performed during non-business hours. In the event of an extraordinary emergency situation requiring the filing of a petition, complaint or other papers, electronic filers should follow the procedures set out above to make arrangements with the Clerk's office to accept the emergency filing.

As a practice note, electronic filers are encouraged to file any time sensitive papers to allow sufficient time to arrange an alternative filing should the ECF system be inaccessible. Attorneys and other participants should be aware that failure to file any papers because of a technical failure of the Court's ECF system, or the attorney's or participant's electronic system, will not relieve or excuse the participant, attorney or the attorney's client from the consequences of failing to file except as provided by the Federal Rules of Bankruptcy Procedure.

SO ORDERED this the 11th day of May, 2006.


EDWARD ELLINGTON


EDWARD R. GAINES


NEIL P. OLACK